

## MEMORANDUM

TO: Parties in D.T.E. 04-61

FROM: Joan Foster Evans, Hearing Officer

DATE: March 14, 2005

RE: NSTAR Electric Revised Consolidated Motion for a Protective Order

CC: Mary Cottrell, Secretary  
D.T.E. 04-61 service list

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On December 13, 2004, Boston Edison Company and Commonwealth Electric Company d/b/a NSTAR Electric (“NSTAR Electric” or “Companies”) filed with the Department of Telecommunications and Energy (“Department”) a Consolidated Motion for a Protective Order (“Motion”).<sup>1</sup> Attached to its Motion, NSTAR Electric provided a list of exhibits for which it requests confidential treatment. NSTAR Electric argues that the exhibits on the list contain (1) competitively sensitive information relating to NSTAR Electric’s 2003 Auction of its purchase power agreements (“PPAs”), including information about individual bids, the Companies’ internal evaluations and analyses of bids, and the Companies’ negotiating strategies; and (2) competitively sensitive projections of future energy prices and forecasts of payments to be made pursuant to existing PPAs (Motion at 2). On March 2, 2005, NSTAR Electric filed a revised list of confidential exhibits, stating that it had inadvertently attached the wrong list to the December 13, 2004 Motion. The Hearing Officer references the March 2, 2005 list of confidential exhibits in her ruling below. No party objected to NSTAR Electric’s Motion.

The Hearing Officer finds that the exhibits on the list attached to NSTAR Electric’s Motion, as revised on March 2, 2005, are competitively sensitive and confidential pursuant to G.L. c. 25, § 5D, and therefore grants NSTAR Electric’s Motion, with the following exception. In its Motion, NSTAR Electric requests confidential treatment of information regarding its 2003 Auction, including bid information, for a period of ten years (Motion at 6). The Hearing Officer finds that confidential treatment will be granted for a period of three years from the date of the final Order in this docket. If NSTAR Electric determines that it is necessary to extend the time period for confidential treatment, it may request an extension of confidential treatment for good cause shown. In addition, upon completion of all of NSTAR Electric’s PPA buyouts and renegotiations under the Restructuring Act, the § 5D protection accorded here will terminate without further action of the Department. See Boston Edison Company, D.T.E. 99-16, at 4 (1999).

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<sup>1</sup> NSTAR Electric states that the Revised Consolidated Motion supersedes previous motions for protective treatment filed in this docket, and seeks protective treatment for all confidential exhibits filed in the proceeding since its inception (Motion at 1, n.1).